

Message Text

LIMITED OFFICIAL USE

PAGE 01 BONN 13384 171409Z

44

ACTION EB-11

INFO OCT-01 CIAE-00 COME-00 DODE-00 NSAE-00 RSC-01 TRSE-00

EUR-25 AEC-11 ISO-00 DRC-01 L-03 /053 W

----- 113254

R 171404Z SEP 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 7460

INFO AMCONSUL FRANKFURT

LIMITED OFFICIAL USE BONN 13384

EXCON FOR COMMERCE

E.O. 11652: N/A

TAGS: ESTC, GW

SUBJECT: PRENOSIL DBA APEXA DEUTSCHLAND GMBH

REF: (A) STATE A-6557, (B) STATE 181327

1. OFFICIALS IN FRG MINISTRY OF ECONOMICS (GAYMANN AND DUECHTING) CONSULTED BY EMBOFF, PER INSTRUCTION REF A, CONCERNING FURTHER CLARIFICATION OF THE APPLICABILITY OF THE GERMAN LAWS CITED AS DEFENSE IN SUBJECT'S REFUSAL TO ANSWER OEC/CD INTERROGATORIES.

2. GAYMANN INDICATED THAT THE COMMENTS PREVIOUSLY PROVIDED BY THE ECONOMIC MINISTRY IN THEIR LETTERS OF 6 SEPTEMBER AND 15 NOVEMBER 1972 ARE AS DEFINITIVE A STATEMENT AS THEIR LEGAL DEPARTMENT CAN PROVIDE SINCE THEY ARE LACKING ANY CLEAR LEGAL PRECEDENT. HE SAID THAT THEY ARE OF THE OPINION THAT, UNDER THE CIRCUMSTANCES AT ISSUE HERE, THE LAW AGAINST UNFAIR COMPETITION DOES NOT REPEAT DOES NOT APPLY.

3. IN ATTEMPTING TO FURTHER CLARIFY THIS OPINION, GAYMANN NOTED THAT THE LEGAL DEPARTMENT HAD ATTEMPTED IN THE NOVEMBER 15 LETTER TO PRESENT THE CASE BOTH FOR AND LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BONN 13384 171409Z

AGAINST APPLICABILITY OF THE LAW IN THIS INSTANCE. THIS

"EITHER OR" APPROACH SHOULD BE READ AS A REFLECTION OF
THE CONSERVATIVE TENDENCY OF LAWYERS TO LAY OUT THE
ALTERNATIVE ARGUMENTATION FOR BOTH SIDES WHERE THERE IS
NO CLEAR PRECEDENT. GAYMANN STRONGLY SUGGESTED THAT,
FOR OUR PURPOSES, WE SHOULD UNDERSTAND THAT THEIR ODDS-ON
OPINION IS THAT THERE IS NO LEGALLY PERSUASIVE ARGUMENT
THAT THE LAW IN QUESTION INHIBITS SUBJECT FROM ANSWERING
OEC/CD'S INTERROGATORIES.
HILLENBRAND

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 17 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BONN13384
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730931/aaaaawmv.tel
Line Count: 70
Locator: TEXT ON-LINE
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) STATE A-6557, (B) STATE 181327
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 31 JUL 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <31-Jul-2001 by boyleja>; APPROVED <18-Sep-2001 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PRENOSIL DBA APEXA DEUTSCHLAND GMBH
TAGS: ESTC, GE
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005